IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7007 of 2006()

C.R. NO. 30/06 OF MALLAPPALY EXCISE RANGE

PETITIONER/ACCUSED:

GIREESH M., AGED 25, S/O.MURALI,
THUNDIL VEEDU, KARUMADI,
AMPALAPUZHA TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR,
MALLAPPALLY EXCISE RANGE.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7007 of 2006

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DATED: 13-12-2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the first accused in C.R. No. 30/2006 of Mallappally Excise Range for offences punishable under Sec.8(1) & 8(2) of the Abkari Act for having been found in possession of 30 liters of spirit in the vicinity of the toddy shop of which the 2nd accused is the licensee, seeks his enlargement on bail. The petitioner was arrested on 4-11-2006.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the fact that the petitioner was only an employee in the toddy shop and that the spirit was not recovered from the toddy shop but from a pit from the adjacent compound and that the licensee of the toddy shop (2nd accused) is absconding and further that the petitioner has been in judicial custody since 4-11-2006, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail with effect from 18-12-2006 on his executing a bond for Rs. 35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to

the satisfaction of the J.F.C.M - Thiruvalla, and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

Sd/- V.RAMKUMAR,
JUDGE.

ani.